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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,152	10/31/2003	Flabio Cavalheiro		1479

7590
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01/19/2007

EXAMINER

KARLS, SHAY LYNN

ART UNIT

PAPER NUMBER

1744

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/699,152

Applicant(s)

CAVALHEIRO, FLABIO

Examiner

Shay L. Karls

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/23/04; 1/6/06 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The amendment filed 11/6/06 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: in paragraph [0036], the applicant stated that "The channel 4 has a depth defined by the outmost circumference of the handle 1 and the outer edge of the column 9, the depth being at least equal to the diameter of the column 9."

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The applicant amended claim 1 to include the limitation that the channel has a depth defined by the outmost circumference of the handle and the outer edge of the column, the depth being at least equal to the diameter of the column. The original specification and drawings failed to teach or show the details about the depth of the channel. Therefore, it is considered to be new

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matter and must be canceled from the claims or the applicant must point out to the examiner where in the original disclosure the details regarding the depth of the channel is disclosed.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 includes the limitation that the depth is defined by the outmost circumference of the handle and the outer edge of the column, the depth being at least equal to the diameter of the column. This limitation is indefinite because the diameter of the column is not constant and thus the outer edge of the column is not constant. Therefore it is unclear what the depth of the channel is defined by. With regards to figures 1-2, the diameter of the column is increasing from the handle to the cleaning member and with regards to figures 5-6, the diameter of the column is not constant since the column is hourglass shaped.

Claim 1 recites the limitation "the outmost circumference of the handle" in line 23-24. There is insufficient antecedent basis for this limitation in the claim. It should read "outermost"

Claim 1 recites the limitation "the outer edge" in line 24. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 10, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham (USPN 4455705) in view of Nortman et al. (USPN 6276032).

Graham teaches a cleaning device comprising a cleaning member (figure 1, element 15) with a first surface having a scouring surface of loop material (figure 1, element 17) (claims 1, 7 and 8) and a second surface comprising a sponge (figure 1, element 16) (claim 10). There is a base plate (figure 1, element 10) having a plurality of projections (figure 1, element 20) arranged in rows and columns for gripping the first surface of the cleaning member (claims 1, 6). The projections each have a top segment having opposing ends (figure 6, element 21) and an intermediate section separating the top segment from the base plate by a predefined distance (claim 1). The opposing ends of the projections each have free ends, which terminate at substantially a point, and therefore the opposing ends have a cross section that is thicker at the connection of said ends to the top segment than at said free ends (figure 7) (claims 2, 3, 4). The intermediate section having bottom end defined by the connection of the intermediate section to the base plate and a top end defined by the connection of the intermediate section to the top segment, wherein the cross section is thicker at the bottom end than at the top end (figures 6 and 7) (claim 3). The distance between the end of each free end is *substantially* the same as the distance between the top end and the bottom end of the intermediate segment (figure 7) (claim 5). The base plate comprises an ergonomic, contoured handle member (figure 1, element 25) (claim 1) including a grasping means that is curved throughout and configured to closely conform to the curvature of the inside of a user's hand (claim 1) and the grasping means is

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removable from the base plate (figure 5) (claim 12). The handle further includes a bottom surface (portion of 30 that is located closest to the base plate) and an outermost circumference (widest portion of handle). There is a column (26) for connecting the base plate to the handle. The column has a diameter and an outer surface. The handle has a channel formed between a bottom surface of the handle, the outermost circumference of the handle, the column and the base plate. The channel is configured in such a manner as to accept at least part of a user's finger when the handle is grasped (see figure below) (claim 1). The column is capable of being disengaged for removing the handle from the base plate (figure 5 shows it disengaged) (claim 1).

Graham teaches all the essential elements of the claimed invention however fails to teach that the projection is T-shaped with the top segment having a substantially straight upper surface (claim 1). Graham also fails to teach that the channel has a depth defined by the outermost circumference of the handle and the outer edge of the column, the depth being at least equal to the diameter of the column (claim 1).

Nortman teaches fastening hooks having a T-shaped projection each with a top segment that is substantially straight (figure 5, element 60). The projections have a lower surface and opposing ends (figure 5, element 77) and an intermediate section (figure 5, element 58) separating the top segment from the base plate by a predefined distance. The opposing ends of the projections each have free ends, which terminate at *substantially* a point (figure 5), and therefore the opposing ends have a cross section that is thicker at the connection of said ends to the top segment than at said free ends (figure 5). The intermediate section having bottom end defined by the connection of the intermediate section to the base plate and a top end defined by the connection of the intermediate section to the top segment, wherein the cross section is thicker

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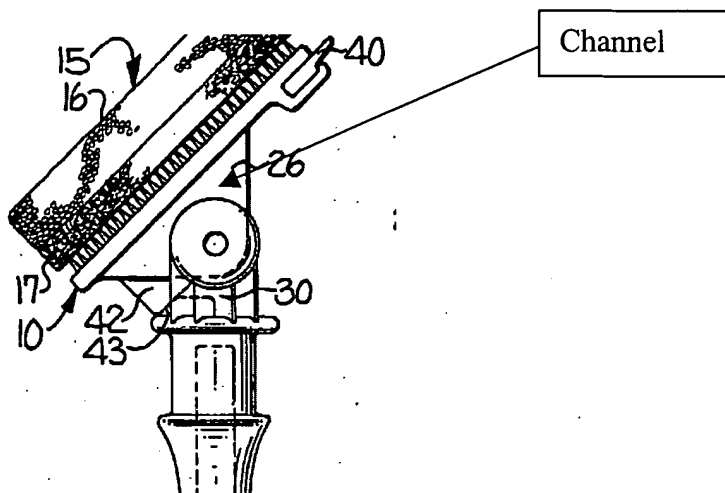
at the bottom end than at the top end (figure 5). The distance between the end of each free end is *substantially* the same as the distance between the top end and the bottom end of the intermediate segment (figure 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Graham with the hooks as taught by Nortman since the hooks of Nortman can exhibit substantially equal fastening properties in substantially all directions that are parallel to a plane that is generally established by the substrate layer of the fastener component (col. 21, lines 51-55). Also, the fasteners of Nortman have increased loop-engaging and loop-retaining characteristics which leads to greater resistance to premature pop-opens (col. 6, lines 54-58). Additionally, the hooks as taught by Graham and the hooks as taught by Nortman are equivalent structures known in the art, which perform the same function of securing two substrates together. Therefore, because these two fastening means were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute the hooks of Nortman for the hooks of Graham.

Additionally, regarding the depth of the channel, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to make the depth of the channel at least equal to the diameter of the column because Applicant has not disclosed that depth of the channel provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with a channel having a depth as taught by Graham or the claimed depth because both depths perform the same function of allowing a user to grasp the handle equally well.

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Therefore, it would have been obvious to one of ordinary skill in the art to modify Graham to obtain the invention as specified in claim 1.



Claims 1-8, 10, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hintz (USPN 6493899) in view of Nortman et al. (USPN 6276032).

Hintz teaches a cleaning device comprising a cleaning member (figure 3, element 32) with a first surface having scouring surface of loops (figure 3, element 33) (claims 1, 7, 8) and a second surface comprising a sponge (figure 3, element 32) (claim 10). There is a base plate (figure 3, element 14) having a plurality of projections (figure 3, element 34) arranged in rows and columns for gripping the first surface of the cleaning member (row and columns can be formed from any formation of projections—not limited to linear) (claims 1, 6). The projections each have a top segment having opposing ends and an intermediate section separating the top segment from the base plate by a predefined distance (common hook and loop material is used; col. 3, lines 37-42) (claim 1). The base plate comprises an ergonomic, contoured handle member (figure 2, element 40) (claim 1) including a grasping means that is curved throughout and

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configured to closely conform to the curvature of the inside of a user's hand (claim 1) and the grasping means is removable from the base plate (figure 2, element 46) (claim 12). The handle further includes a bottom surface (portion of 48 with finger ridges) and an outermost circumference (distance around the handle longitudinally). There is a column (40) for connecting the base plate to the handle. The column has a diameter and an outer surface. The handle has a channel formed between a bottom surface of the handle, the outermost circumference of the handle, the column and the base plate. The channel is configured in such a manner as to accept at least part of a user's finger when the handle is grasped (see figure below) (claim 1). The column is capable of being disengaged for removing the handle from the base plate (figure 2) (claim 1).

Hintz teaches all the essential elements of the claimed invention however fails to teach that exact details of the projections. The reference does not teach that the projection is T-shaped with the top segment having a substantially straight upper surface (claim 1) and the opposing ends of the projections have a free end, and the opposing ends have a cross section that is thicker at the connection of the ends to the top segment than at the free ends (claim 2). Additionally, Hintz fails to teach that the intermediate section of projections have a bottom end defined by the connection of the intermediate section to the base plate and a top end defined by the connection of the intermediate section to the top segment, wherein the intermediate section has a cross section that is thicker at the bottom end than at a top end (claim 3). Hintz also fails to teach the opposing ends terminate at substantially a point (claim 4) and that the distance between the top end and the bottom end of the intermediate segment are substantially the same (claim 5). Additionally, Hintz also fails to teach that the channel has a depth defined by the outermost

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circumference of the handle and the outer edge of the column, the depth being at least equal to the diameter of the column (claim 1).

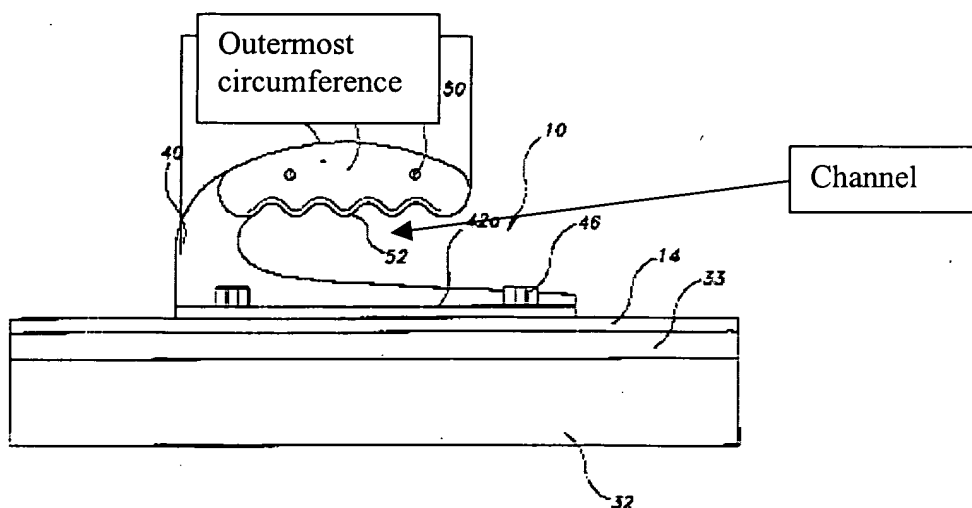
Nortman teaches fastening hooks having a T-shaped projection each with a top segment that is substantially straight (figure 5, element 60). The projections have a lower surface and opposing ends (figure 5, element 77) and an intermediate section (figure 5, element 58) separating the top segment from the base plate by a predefined distance. The opposing ends of the projections each have free ends, which terminate at *substantially* a point (figure 5), and therefore the opposing ends have a cross section that is thicker at the connection of said ends to the top segment than at said free ends (figure 5). The intermediate section having bottom end defined by the connection of the intermediate section to the base plate and a top end defined by the connection of the intermediate section to the top segment, wherein the cross section is thicker at the bottom end than at the top end (figure 5). The distance between the end of each free end is *substantially* the same as the distance between the top end and the bottom end of the intermediate segment (figure 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hintz with the hooks as taught by Nortman since the hooks of Nortman can exhibit substantially equal fastening properties in substantially all directions that are parallel to a plane that is generally established by the substrate layer of the fastener component (col. 21, lines 51-55). Also, the fasteners of Nortman have increased loop-engaging and loop-retaining characteristics which leads to greater resistance to premature pop-opens (col. 6, lines 54-58). Additionally, the hooks as taught by Hintz and the hooks as taught by Nortman are equivalent structures known in the art, which perform the same function of securing two substrates together.

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Therefore, because these two fastening means were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute the hooks of Nortman for the hooks of Hintz.

Additionally, regarding the depth of the channel, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to make the depth of the channel at least equal to the diameter of the column because Applicant has not disclosed that depth of the channel provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with a channel having a depth as taught by Hintz or the claimed depth because both depths perform the same function of allowing a user to grasp the handle equally well. Therefore, it would have been obvious to one of ordinary skill in the art to modify Hintz to obtain the invention as specified in claim 1.



Claims 1-8, 10, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paepke (USPN 5003659) in view of Fay (USPN 2676758) and in view of Nortman et al. (USPN 6276032).

Paepke teaches a cleaning device comprising a cleaning member (figure 4, element 22) with a first surface having a scouring surface of loops material (figure 4, element 20) (claims 1, 7, 8) and a second surface comprising a sponge (figure 4, element 22) (claim 10). There is a base plate (figure 4, element 16) having a plurality of projections (figure 4, element 18) arranged in rows and columns (figure 2) for gripping the first surface of the cleaning member (claims 1 and 6). The base plate comprises an ergonomic, contoured handle member (figure 2, element 12) including a grasping means that is curved throughout and configured to closely conform to the curvature of the inside of a user's hand (claim 1) and the grasping means is integral with the base plate (claim 12). The handle further includes a bottom surface (portion closest to the column) and an outermost circumference (widest portion of handle). There is a column (24) for connecting the base plate to the handle. The column has a diameter and an outer surface. The handle has a channel formed between a bottom surface of the handle, the outermost circumference of the handle, the column and the base plate. The channel is configured in such a manner as to accept at least part of a user's finger when the handle is grasped (figure 8, element R) (col. 3, lines 12-19) (claim 1).

Paepke teaches all the essential elements of the claimed invention however fails to teach the exact details of the projections that are used (claims 1-5), for example, that the projection is T-shaped with the top segment having a substantially straight upper surface (claim 1) and the opposing ends of the projections have a free end, and the opposing ends have a cross section that

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is thicker at the connection of the ends to the top segment than at the free ends (claim 2). Paepke fails to teach that the intermediate section of projections have a bottom end defined by the connection of the intermediate section to the base plate and a top end defined by the connection of the intermediate section to the top segment, wherein the intermediate section has a cross section that is thicker at the bottom end than at a top end (claim 3). Paepke also fails to teach the opposing ends terminate at substantially a point (claim 4) and that the distance between the top end and the bottom end of the intermediate segment are substantially the same (claim 5). Additionally, Paepke fails to teach that the handle is separable from the base plate (claim 1) and that the channel has a depth defined by the outermost circumference of the handle and the outer edge of the column, the depth being at least equal to the diameter of the column (claim 1).

Fay teaches a cleaning device comprising a handle (11) and base plate (1). There is a cleaning member (15) attached to the base plate. The handle comprises a channel (13) between the bottom surface of the handle and the base plate. There is a column (12) connecting the handle and the base member. The column allows the handle to be removed from the base plate.

Nortman teaches fastening hooks having a T-shaped projection each with a top segment that is substantially straight (figure 5, element 60). The projections have a lower surface and opposing ends (figure 5, element 77) and an intermediate section (figure 5, element 58) separating the top segment from the base plate by a predefined distance. The opposing ends of the projections each have free ends, which terminate at *substantially* a point (figure 5), and therefore the opposing ends have a cross section that is thicker at the connection of said ends to the top segment than at said free ends (figure 5). The intermediate section having bottom end defined by the connection of the intermediate section to the base plate and a top end defined by

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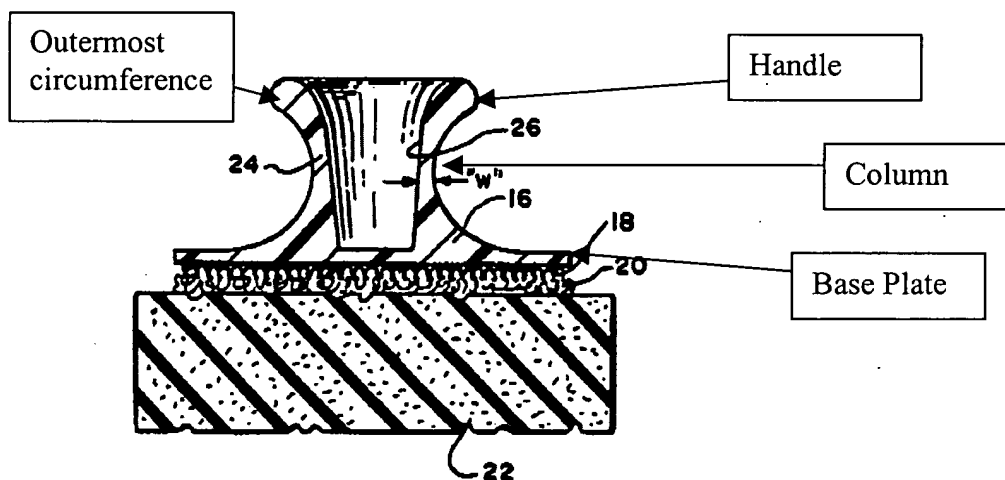
the connection of the intermediate section to the top segment, wherein the cross section is thicker at the bottom end than at the top end (figure 5). The distance between the end of each free end is *substantially* the same as the distance between the top end and the bottom end of the intermediate segment (figure 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Paepke so that the handle is detachable from the base plate as taught by Fay since making integral parts separable is an example of a modification that has been considered to be within the level of ordinary skill in the art to follow. *In re Dulberg* 129 USPQ 348, 349. Additionally, it would have been obvious to use the hooks as taught by Nortman as the fastening means on Paepke since the hooks of Nortman can exhibit substantially equal fastening properties in substantially all directions that are parallel to a plane that is generally established by the substrate layer of the fastener component (col. 21, lines 51-55). Also, the fasteners of Nortman have increased loop-engaging and loop-retaining characteristics which leads to greater resistance to premature pop-opens (col. 6, lines 54-58). Additionally, the hooks as taught by Paepke and the hooks as taught by Nortman are equivalent structures known in the art, which perform the same function of securing two substrates together. Therefore, because these two fastening means were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute the hooks of Nortman for the hooks of Paepke.

Additionally, regarding the depth of the channel, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to make the depth of the channel at least equal to the diameter of the column because Applicant has not disclosed that depth of the channel provides an advantage, is used for a particular purpose, or solves a stated problem. One

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of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with a channel having a depth as taught by Paepke or the claimed depth because both depths perform the same function of allowing a user to grasp the handle equally well. Therefore, it would have been obvious to one of ordinary skill in the art to modify Paepke to obtain the invention as specified in claim 1.



Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham in view of Nortman and further in view of Garcia (USPN 5419015) or Hintz et al. in view of Nortman and further in view of Garcia (USPN 5419015) or Paepke in view of Fay and Nortman in further view of Garcia (USPN 5419015).

Graham in view of Nortman or Hintz in view of Nortman or Paepke in view of Fay and Nortman all teach all the essential elements of the claimed invention including a handle member includes a grasping means that is curved throughout and configured to closely conform to the curvature of the inside of a user's hand and the grasping means is integral with the base plate (claim 11). The references however fail to teach a cleaning member with a third surface

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comprising a scouring pad (claim 9). Garcia teaches a cleaning member that comprises a first surface of loop material (figure 8, element 32), a second surface of sponge material (figure 8, element 33) and a third surface of an abrasive material such as a scouring pad (figure 8, element 34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a scouring pad to the sponge surface of Graham in view of Nortman or Hintz in view of Nortman or Paepke in view of Fay and Nortman's cleaning member as taught by Garcia so as to increase the cleaning capabilities and versatility of the device.

Response to Arguments

Applicant's arguments filed 11/6/06 have been fully considered but they are not persuasive.

The applicant argues that Graham, Nortman, Paepke, Fay, Garcia and Hintz do not disclose a channel that has a depth defined by the outermost circumference of the handle and the outer edge of the column, wherein the depth is at least equal to the diameter of the column. The base references of Graham, Paepke, and Hintz all teach a channel between the outermost circumference of the handle and the outer edge of the column. As for the depth of the channel, the applicant has not disclosed that depth of the channel provides an advantage, is used for a particular purpose, or solves a stated problem. Therefore, lacking this, it would have been obvious to modify the base references with the claimed channel depth to achieve the present invention.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Karls whose telephone number is 571-272-1268. The examiner can normally be reached on 7:00-4:30 M-Th, alternating F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



SLK
1/16/06



GLADYS JP CORCORAN
SUPERVISORY PATENT EXAMINER